

IN AND FOR THE COUNTY OF SNOHOMISH, SUPERIOR COURT,  
STATE OF WASHINGTON

FRAN BUNTTING, an individual.

Plaintiff(s).

v.

HARBOR FREIGHT TOOLS USA, INC., a  
Foreign Corporation.

Defendant(s).

NO. 22-2-00305-31

COMPLAINT FOR DAMAGES

COMES NOW PLAINTIFF, by and through attorney, JUSTIN ELSNER, and for his causes  
of action against defendant alleges as follows:

**I. PARTIES**

1.1 Plaintiff at all times material hereto was residing in Snohomish County,  
Washington. The plaintiff brings this action individually.

1.2 Upon information and belief Defendant Harbor Freight Tools USA, Inc. is a  
foreign corporation conducting business in Snohomish County, Washington.

**II. VENUE AND JURISDICTION**

2.0 Venue is proper in Snohomish County pursuant to RCW 4.12.020.

2.1 The incident giving rise to this complaint occurred in Marysville, Snohomish  
County, Washington.

2.2 Defendant conducts business in Marysville, Snohomish County, Washington.

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**III. STATEMENT OF THE FACTS**

3.0 On August 12, 2021, Plaintiff Fran Bunting was shopping at the Harbor Freight Tools store location in Marysville, Washington.

3.1 Plaintiff noticed that the floor inside the store was unusually shiny.

3.2 Shortly after entering the store, Plaintiff slipped on the floor and fell to the floor.

3.3 As a result of falling to the floor, Plaintiff lost consciousness and suffered significant bleeding from his head from a skull fracture.

**IV. NEGLIGENCE**

4.0 On the aforesaid dates and at the aforesaid places, Defendant owed Plaintiff a duty to maintain the premises so as to prevent injury.

4.1 On the aforesaid dates and at the aforesaid places, Defendant failed to exercise reasonable care in maintaining the premises so as to prevent injury.

4.2 That as a direct and proximate result of the aforementioned negligence and failures on the part of defendant, Plaintiff has been injured.

**V. DAMAGES**

WHEREFORE, Plaintiff has been severely and permanently injured and damaged. Damages include medical expenses, past and future; severe and permanent impairment of plaintiffs' ability and capacity to enjoy life, past and future; loss of consortium; loss of wages; and impairment of wage earning capacity, all in an amount to be proven at the time of trial as reasonable and proper as determined by a trier of fact. That plaintiffs have incurred costs and attorney fees in prosecuting this action and the defendants should be required to pay the same in accordance with Washington law.

**VI. LIMITED WAIVER OF PHYSICIAN/PATIENT PRIVILEGE**

Pursuant to RCW 5.60.060(4)(b), plaintiff hereby waive sthe physician/patient privilege only insofar as necessary to place any and all alleged damages at issue before the trier of fact at the time of trial, as might be required by statute or amended statute or case law interpreting the statutes of the State of Washington. It should be understood that plaintiff's actions do not constitute a waiver of any of the plaintiff's constitutional rights. The defendants are not to contact any treating physician, past, present, or subsequent, without first notifying counsel for plaintiff so that they might bring the matter to the attention of the Court and seek appropriate relief in terms of imposing limitations and restrictions upon any intent by the defendant to contact past or subsequent treating physicians *ex parte* pursuant to the rule announced in Louden v. Mhyre, 110 Wn.2d 675 (1988), *et seq.*

DATED this 18th day of January, 2022.

By s/Justin Elsner  
Justin Elsner, WSBA #39251  
Attorney for Plaintiff